IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **Crl.A.No.88-SB of 1997**

DATE OF DECISION: December 4, 2007

HARI SINGH ...APPELLANT

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: MRS. BALJIT KAUR MANN, ADVOCATE FOR THE APPELLANT.
MR. D.S. BRAR, DAG, PUNJAB.

ASHUTOSH MOHUNTA, J. (ORAL)

The appellant Hari Singh has filed this appeal against the order dated 3.1.1997, passed by the Addl. Sessions Judge, Jalandhar vide which the appellant was directed to pay a sum of Rs.30,000/- as he had stood surety for one Joginder Singh who was an accused in a case under Section 307, 323, 148, 149 IPC read with Section 25/27/29/54/59 Arms Act registered at Police Station Nurmahal, District Jalandhar.

The appellant was directed to pay the aforementioned amount of Rs.30,000/- as Joginder Singh who had been granted bail had absconded. The appellant had stood surety for the accused Joginder Singh.

Learned counsel for the appellant submits that FIR No.70 dated 19.6.1995, registered at Police Station Nurmahal, District Jalandhar has been quashed qua the accused Joginder Singh in Crl.M.No.5515-M of 1998 vide orders dated 2.9.1998, and therefore, the impugned order vide which directions have been issued to the appellant to pay the surety amount of Rs.30,000/- be quashed.

In view of the aforementioned averments, it is clear that the FIR No.70 dated 19.6.1995, registered at Police Station Nurmahal, District Jalandhar has been quashed in Crl.M. No.5515-M of 1998 and therefore, the appellant cannot be held liable to pay the surety amount of Rs.30,000/-.

In view of the above, I set aside the order dated 3.1.1997, passed by Addl. Sessions Judge, Jalandhar and directed that the appellant need not pay the amount as directed by the Addl. Sessions Judge, Jalandhar.

Appeal allowed.

December 4, 2007 **(ASHUTOSH MOHUNTA)**
Gulati **JUDGE**